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for DAE

THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3762

In re Patent Application of:

John D. Puskas

Application No. 09/980,421

Confirmation No. 3303

Filed: April 23, 2002

Examiner: Dana Greene

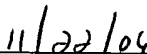
Title: "DEVICES AND METHODS FOR VAGUS
NERVE STIMULATION"

Attorney Docket No. 065071-9053-01

Mail Stop POST ISSUE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop POST ISSUE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.


Signature


Date of Signature

REQUEST FOR CORRECTION OF ERROR IN SMALL ENTITY FEES
UNDER 37 C.F.R. § 1.28(c)

Dear Sir:

Applicant submits that an error in small entity status occurred during the prosecution of United States Patent Application No. 09/980,421 ("the '421 Application"). Applicant respectfully requests that the small entity status established during prosecution be withdrawn. Pursuant to 37 C.F.R. § 1.28(c), Applicant has provided below an explanation of how the small entity status was established in good faith and an explanation of how a loss of entitlement occurred during the prosecution of the '421 Application. Applicant has also provided an itemization of each individual deficiency payment and the total deficiency payment owed, as required by 37 C.F.R. § 1.28(c)(2)(ii). Please charge the total deficiency payment owed and any additional required fees or credit any overpayment to Deposit Account No. 13-3080.

Explanation:

When the '421 Application was originally filed, the sole inventor, Dr. John D. Puskas, was under an obligation to assign the invention to Emory University, a small entity institution of higher education under 37 C.F.R. § 1.27(a)(3)(ii)(A). Accordingly, Applicant established the small entity status during prosecution of the '421 Application in good faith. However, later during the prosecution of the '421 Application, the '421 Application was licensed by Medtronic, Inc., a large entity corporation. As a result, a loss of entitlement to small entity status occurred under 37 C.F.R. § 1.27(a)(3)(i).

Itemization of the deficiency payment:

Current late filing fee surcharge for non-small entities	\$130.00
Original late filing fee surcharge paid on 4/19/2002 at the small entity rate	\$65.00
Deficiency Owed	\$65.00

Current filing fee for non-small entities	\$790.00
Original late filing fee surcharge paid on 11/29/2001 at the small entity rate	\$345.00
Deficiency Owed	\$445.00

	Per Claim	8 Claims
Current independent claim fee for non-small entities	\$200.00	\$1600.00
Original independent claim fee paid on 6/17/2002 at the small entity rate	\$40.00	\$320.00
Deficiency Owed		\$1280.00


	Per Claim	40 Claims
Current excess claim fee for non-small entities	\$50.00	\$2000.00
Original excess claim fee paid on 6/17/2002 at the small entity rate	\$9.00	\$360.00
Deficiency Owed		\$1640.00

Total Deficiency Owed	\$3430.00
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U.S. Patent Application No. 09/980,421
Request for Correction of Error in Small Entity Fees
Request dated Nov. 22, 2006
Attorney Docket No. 065071-9053-01

In conclusion, Applicant respectfully submits that this Request and the payment of the total deficiency payment owed operates as a notification of loss of small entity status under 35 C.F.R. § 1.28(d).

Respectfully submitted,

A handwritten signature in black ink, reading "Raye Lynn Daugherty". The signature is written in a cursive, flowing style.

Raye L. Daugherty
Reg. No. 47,933

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